

Ronald D. Foreman (SBN 61148)  
**FOREMAN & BRASSO**  
930 Montgomery Street, Suite 600  
San Francisco, CA 94133  
Telephone: (415) 433-3475  
Facsimile: (415) 781-8030  
Email: foremanandbrasso@foremanandbrasso.com

Attorneys for Defendant  
MICHAEL T. BLATT.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

LIBERTY MUTUAL INSURANCE  
COMPANY,

Plaintiff,

v.

MICHAEL T. BLATT,

Defendant.

Case No. C06-2022 SC

**STIPULATED TO APPLICATION  
FOR AN ORDER SHORTENING  
TIME FOR THE HEARING OF A  
DISCOVERY DISPUTE AFTER A  
MEET AND CONFER, SETTING  
THE MATTER FOR OCTOBER  
26, 2007, (THE LAST DAY FOR  
HEARING A MOTION  
PURSUANT TO THE AUGUST  
30, 2007 ORDER ON JOINT  
REQUEST) AND FOR THE  
PREVIOUS HEARING DATE  
FOR THE MOTION FOR  
SUMMARY JUDGMENT**

Local Rules 6.1, 6.2, 37-1 and  
F.R.C.P. 60

Trial Date: November 19, 2007

Date: TBA  
Time: TBA  
Courtroom: 1, 17<sup>th</sup> floor

I, Ronald D. Foreman, declare that if called to testify in this matter that I would  
testify as hereinafter stated:

**STIPULATED TO APPLICATION FOR AN ORDER SHORTENING TIME FOR THE HEARING OF A  
DISCOVERY DISPUTE AFTER A MEET AND CONFER, SETTING THE MATTER FOR OCTOBER 26,  
2007, (THE LAST DAY FOR HEARING A MOTION PURSUANT TO THE AUGUST 30, 2007 ORDER ON  
JOINT REQUEST) AND FOR THE PREVIOUS HEARING DATE FOR THE MOTION FOR SUMMARY  
JUDGMENT**

1           1.       I am the attorney for defendant Michael T. Blatt. This case concerns a claim  
2 by plaintiff Liberty Mutual for declaratory relief seeking indemnity for attorney's fees paid  
3 in an underlining state court action.

4           2.       By this stipulated to application, the parties seek to shorten time for the  
5 hearing of a discovery dispute which concerns the Relief From Admissions, claimed by  
6 plaintiff.

7           3.       The parties seek to have motion scheduled for October 26, 2007.  
8 This was the date previously set for hearing of plaintiff's Motion For Summary Judgment,  
9 however that motion is now set to be decided on the documents submitted to the Court by  
10 both parties. The parties were notified by the Court that hearing for the Motion For  
11 Summary Judgment was vacated *after* the parties met and conferred and stipulated to set this  
12 request for Relief From Admissions matter for hearing on October 26, 2007

13           4.       Good cause exists for the granting of this stipulated to application. The  
14 parties have met and conferred regarding defendant's responses to plaintiff's Request For  
15 Admissions in a conference call conducted on October 18, 2007. While the parties continue  
16 to try to resolve the dispute, if they are unable to do so the parties agree that it is sensible to  
17 have this discovery dispute heard on the same date and time as the Motion For Summary  
18 Judgment.

19           5.       Plaintiff Liberty Mutual claims that fourteen requests for admission are  
20 deemed admitted due to the late filing of responses. Defendant Michael Blatt disputes  
21 plaintiff's position, contending that multiple agreements extending the time to respond to the  
22 Request For Admissions were made and that defendant was shocked and surprised to learn  
23 that plaintiff was claiming that the Request For Admissions were being declared admitted by  
24 defendant. Defendant Michael Blatt served responses to the Request For Admissions and  
25 answers to Interrogatories within a couple hours of plaintiff claiming that the Request For  
26 Admissions were admitted. The defendant's motion for relief seeks to address these issues.

27 **STIPULATED TO APPLICATION FOR AN ORDER SHORTENING TIME FOR THE HEARING OF A**  
28 **DISCOVERY DISPUTE AFTER A MEET AND CONFER, SETTING THE MATTER FOR OCTOBER 26,**  
**2007, (THE LAST DAY FOR HEARING A MOTION PURSUANT TO THE AUGUST 30, 2007 ORDER ON**  
**JOINT REQUEST) AND FOR THE PREVIOUS HEARING DATE FOR THE MOTION FOR SUMMARY**  
**JUDGMENT**

1 Defendant Blatt believes the motion is significant as plaintiff attempts to use the Request For  
 2 Admissions in it's Reply Brief even though defendant did not declare them admitted until  
 3 Thursday, October 4, 2007, after the Motion For Summary Judgment was filed. No reference  
 4 was made to the Request For Admissions in the Motion For Summary Judgment's moving  
 5 papers and defendant had no reason to address the admission issue in the Opposition to the  
 6 Motion For Summary Judgment.

7 6. Defendant Michael Blatt will file his motion before the close of business on  
 8 October 19, 2007 and plaintiff will file it's opposition on or before the close of business on  
 9 Tuesday, October 23, 2007 or on dates and times as the Court deems appropriate. It was  
 10 further agreed by the parties that Defendant will email a copy of his motion to plaintiff  
 11 before the close of business today and plaintiff will prepare it's opposition to the motion and  
 12 serve defendant before the close of business on October 23, 2007, unless directed otherwise  
 13 by the Court.

14 7. Presently a pre-trial conference is scheduled for November 16, 2007 and trial  
 15 is set for November 19, 2007. On October 18, 2007, we were notified that the Motion For  
 16 Summary Judgment would be heard on the papers and that oral argument would be vacated.

17 8. All parties have notice of this application and have stipulated to it.

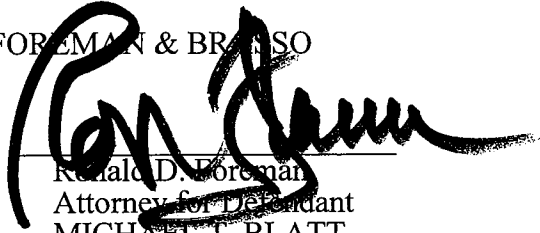
18 9. It is respectfully requested that this instant application be granted and that the  
 19 time to file and oppose the discovery motion for Relief from Admissions be granted.

20 I declare, under penalty of perjury under the laws of the State of California that the  
 21 foregoing is true and correct.

22 Dated: October 19, 2007

FOREMAN & BRANSON

By:

  
 Ronald D. Foreman  
 Attorney for Defendant  
 MICHAEL T. BLATT

27 **STIPULATED TO APPLICATION FOR AN ORDER SHORTENING TIME FOR THE HEARING OF A**  
 28 **DISCOVERY DISPUTE AFTER A MEET AND CONFER, SETTING THE MATTER FOR OCTOBER 26,**  
**2007, (THE LAST DAY FOR HEARING A MOTION PURSUANT TO THE AUGUST 30, 2007 ORDER ON**  
**JOINT REQUEST) AND FOR THE PREVIOUS HEARING DATE FOR THE MOTION FOR SUMMARY**  
**JUDGMENT**

1  
2 Dated: October 19, 2007  
3  
4  
5  
6  
7  
8  
9  
10  
11

STIPULATED TO: THE FILING +  
HEARING OF THE MOTION  
KRING & CHUNG, LLP

By: 

Ronald J. Skocypek  
J. Christopher Bennington  
Attorney for Plaintiff  
LIBERTY MUTUAL  
INSURANCE COMPANY

12 L:\FAB\Blatt\Liberty

13 Mutual\Pleadings\STIPAPPshortentimeforhearing.wpd  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

27 STIPULATED TO APPLICATION FOR AN ORDER SHORTENING TIME FOR THE HEARING OF A  
28 DISCOVERY DISPUTE AFTER A MEET AND CONFER, SETTING THE MATTER FOR OCTOBER 26,  
2007, (THE LAST DAY FOR HEARING A MOTION PURSUANT TO THE AUGUST 30, 2007 ORDER ON  
JOINT REQUEST) AND FOR THE PREVIOUS HEARING DATE FOR THE MOTION FOR SUMMARY  
JUDGMENT